REMARKS

The specification has been amended in order to correct an error contained in Table 3. The quantity of the silicic acid component in Examples 3 and 5 has been changed to 5% and the quantities in Example 4 and Comparative Examples 3 and 4 has been changed to 0%. The erroneous values were entered during the translation of the present application and support for the correct values is shown in the enclosed Table 1 of priority application No. 2003-430054, of record in the present application. Enclosed herewith is a copy of the Table for the Examiner's benefit. No new matter has been added.

Claims 11-13 have been rejected under 35 USC 103(a) as being unpatentable over JP 61-073607 (JP '607) in view of Itoh et al. Claim 14 has been rejected under 35 USC 103(a) as being unpatentable over JP '607 in view of Itoh et al and further in view of Morrill. Applicants respectfully traverse these grounds of rejection and urge reconsideration in light of the following comments.

In order to further distinguish the claimed invention over the cited prior art, Claim 11 has been canceled and replaced by newly presented Claim 15 which more particularly points out and distinctly claims the subject matter which Applicants regard as the invention. Claims 16-22 are directed to preferred embodiments of the present invention. Support for the synthetic silicic acid being present in an amount of at least 5 parts by weight in Claims 17 and 18 is found in Table 3. Support for the language of Claim 22 that the body does not contain an organopolysiloxane rubber is provided by the Examples of the present invention. No new matter has been added.

The presently claimed invention is directed to an extrusion molded foam cosmetic sponge puff having an intermediate cell structure in which closed cells partially communicate with each other, a water absorption of from 5-500% and comprises a body comprising an NBR polymer, an organic

peroxide, a blowing agent and 1-100 parts by weight of a synthetic silicic acid, based on 100 parts by weight of the NBR polymer. It is respectfully submitted that the prior art cited by the Examiner does not disclose the presently claimed invention.

As described previously, the instant invention is directed to an extrusion molded foam cosmetic sponge puff having an intermediate cell structure in which the closed cells partially communicate with each other. The sponge puff comprises a body which is obtained by subjecting a compounded rubber to extrusion molding to form a molded rubber having a specified shape, heating the molded rubber to cause vulcanization or cross-linking therein and stamping and/or cutting the vulcanized or cross-linked rubber into a cosmetic sponge puff of a given shape. The body comprises an NBR polymer, an organic peroxide, a blowing agent and from 1-100 parts by weight of a synthetic silicic acid, based on 100 parts by weight of the NBR polymer.

In the present invention, the inclusion of the hydrous silicic acid enables the water absorption of the cosmetic sponge puff to be improved by a rolling process. The synthetic silicic acid contained in the present invention improves the degree of fastness of the walls between the cells of the sponge puff and physically improves the communication between the cells by repetition of bending, which makes it especially suitable for extrusion molding. This allows the cell forms having a low water absorption percentage to be readily adjusted to improve their water absorbing properties. It is respectfully submitted that the prior art cited by the Examiner does not disclose the present invention.

Enclosed herewith for the Examiner's benefit is an English-language translation of JP '607. This reference discloses a make-up puff applicator which is used to apply a solid foundation to human skin and is formed by impregnating a water-soluble isocyanate compound into a soft foamed material. This reference discloses that polyvinyl alcohol is popular as

a make-up puff applicator because of its good feel in the water-humidified state but is solidified in the dry state which makes it useless. In contrast thereto, NBR, urethane, etc. are an outstanding material for a puff used in the dry state because of their softness and good feel to the skin but they are less water-retentive in nature so that water is not applied to skin uniformly in the water-humidified state, which causes a poor cool feel as a defect thereof. In order to improve the water-retentive properties of the sponge puff disclosed in JP '607, a water-soluble isocyanate compound is incorporated therein. This reference has no disclosure with respect to a synthetic silicic acid being present in the sponge puff composition.

The secondary Itoh et al reference discloses rubber compositions which are curable to rubbery elastomers by heating in which co-vulcanization of an organic rubber and an organopolysiloxane rubber can be effected. These rubber compositions are disclosed as being suitable for the manufacture of rubber belts, rubber rolls, gaskets, packings, rubber hoses, and the like and can contain a reinforcing siliceous filler in an amount of from 5 to 200 parts by weight. Since this reference is concerned with producing a rubber which can be used as rubber belts, rubber rolls, gaskets, packings, rubber hoses, and the like, a siliceous filler is added thereto as a reinforcing material in order to improve the mechanical strength of the cured rubbery elastomer products. This reference has no disclosure with respect to a blowing agent being present, which is not surprising given the utility of the rubber compositions, and would not provide to one of ordinary skill in the art the motivation to incorporate the siliceous filler disclosed therein into the sponge puff composition of JP '607. Therefore, Applicants respectfully submit that it is merely hindsight provided by Applicants' disclosure which is providing the motivation to the Examiner to use the disclosure of the siliceous filler and the rubber compositions of Itoh et al to suggest it would be obvious to

incorporate a siliceous filler into the sponge puff material of JP '607 wherein the primary concern of JP '607 is water-retention properties and not toughness.

Although the Examiner has not presented a showing of prima facie obviousness under 35 USC 103(a) with respect to the presently claimed invention, Applicants are enclosing herewith a Declaration Under 37 CFR 1.132 which further establishes the unexpected advantages achieved by incorporating a synthetic silicic acid in the cosmetic sponge puff of the present invention.

In the enclosed Declaration Under 37 CFR 1.132, NBR rubber compositions are formulated containing the components shown in the table. Examples 3 and 5 contained hydrous silicic acid while Example 4 and Comparative Examples 3 and 4 did not. As shown in the Table, the water absorption of Examples 3 and 5 were 30% before any roll passes and increased to 370% for Example 3 and 450% for Example 5 after only 5 roll passes. In contrast thereto, the water absorption of the rubber composition of Example 4, Comparative Example 3 and Comparative Example 4 was 30% before any roll passes and approximately 300% after 20 roll passes. The presence of the silicic acid in the NBR compositions of the present invention improves the fastness of the walls between the cells of the composition and physically improves the communication between the cells by repetition of bending, thereby allowing the cell forms to be economically increased in water-absorption properties. This is clearly unexpected in light of the prior art cited by the Examiner and establishes the patentability of the presently claimed invention thereover. Additionally, Claim 22 excludes the critical organopolysiloxane rubber of the Itoh et al reference. Therefore, this claim is even further distinguished over the prior art cited by the Examiner.

Reconsideration of the present application and the passing of it to issue is respectfully solicited.

Respectfully submitted,

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Encl: Copy of Table from Priority Document
English-language Translation of JP 61-073607
Declaration Under 37 CFR 1.132
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